IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

DEFENDANT TURNKEY KIOSK, LLC'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56, Fed. R. Civ. P., Defendant TurnKey Kiosks, LLC ("TurnKey") moves this Court for entry of summary judgment in favor of TurnKey on all claims asserted by Plaintiff Ganart Technologies, Inc.'s ("Ganart").

A brief in support of this motion satisfying the requirements of Local Rule 56.3(b), and an appendix, are submitted concurrently with this motion. Further, TurnKey has filed a separate "Appendix B" under seal that contains a deposition that was designated as confidential pursuant to the parties' protective order (Docket 33).

As set forth in more detail in the accompanying brief in support of the motion for summary judgment, TurnKey submits that summary judgment is appropriate because:

1. Ganart cannot establish the prima facie elements of its misappropriation of trade secret claim because: (1) Ganart's proprietary information is not a trade secret; and (2) TurnKey did not provide Ganart's alleged trade secrets to any third parties;

- 2. Ganart's breach of contract claim fails as a matter of law because: (1) TurnKey did not breach the parties' non-disclosure agreement; and (2) Ganart has not sustained any damages from any alleged breach of contract.
- 3. Ganart's claims for aiding and abetting and civil conspiracy fail as a matter of law because there is no evidence that TurnKey conspired with or aided and abetted any third party to misappropriate any of Ganart's proprietary information.

Therefore, TurnKey requests entry of summary judgment in its favor.

DAVIS MILES MCGUIRE GARDNER, PLLC

By: /s/ David W. Williams

David W. Williams, admitted Pro Hac Vice Joshua W. Carden Texas Bar No. 24050379 545 E. John Carpenter Freeway, Suite 300 Irving, Texas 75062 P. 972.674.3885 F. 972.674.2935 jcarden@davismiles.com Attorney for Defendant, TurnKey Kiosks, LLC **CERTIFICATE OF SERVICE**

On January 19, 2015, I electronically submitted the foregoing document with the clerk of

the court of the U.S. District Court, Northern District of Texas, using the CM/ECF system, which

will send a notice of electronic filing to all counsel of record. I hereby certify that I have served

all counsel of record electronically or by another manner authorized by Federal Rule of Civil

Procedure 5(b)(2).

/s/ David W. Williams

David W. Williams